

Application No. 10/828,312
Response dated April 10, 2006
Reply to Office Action of March 9, 2006

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REMARKS/ARGUMENTS

Applicant has taken this opportunity to amend claims 7, 8, 16, 19 and 23 to correct minor antecedent and grammatical errors.

In response to the restriction requirement, Applicant elects claims 1 - 6, 8 - 12, 14 and 15 of Group I(b), species B, sub-species X, with traverse. Applicant notes that the Examiner considers claims 1 - 6, 14 and 15 to be generic to both species A and B, while claims 8 - 10 are generic to sub-species X and Y of species B.

Traversal of the requirement is specifically in respect of the species and sub-species elections. Applicant first submits that the species A and B identified by the Examiner are not independent or distinct. The straight through connection path and the bent connection path recited in claims 7 and 8, respectively, merely define different optical waveguide configurations within the bulk dielectric. In both configurations, the waveguide acts to confine and guide light from the input to the output. To anyone of skill in the art, the provision of a straight or a bent waveguide is a matter of design or intended use of the optical connector. Essentially, a straight-through connection path is provided by a waveguide with a very high radius of curvature, while a bent connection path is provided by a waveguide with a considerably lower radius of curvature. Accordingly, there is no distinction between a straight through connection path and a bent connection path, except in the ultimate location of the input and output surfaces. Therefore, Applicant submits that species A and B are not independent and distinct. Applicant further submits that there is no undue burden on the Examiner to search and examine both identified species, nor any indication that the identified species require separate fields of search. Applicant submits that the species election requirement has been traversed.

With respect to the sub-species election, Applicant submits that the particular manner in which the bent connection path is determined is a matter of design, preference or the particular bulk dielectric in which the connection path is formed. The selection of a TIR connection or a photonic crystal structure does not result in independent or distinct inventions, since both structures are well-known equivalents for providing a bent waveguide while limiting bending losses at the turn. Accordingly, Applicant submits that the sub-species election requirement has been traversed.


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No fee is believed required for this submission. However, if a fee is due, the Commissioner is hereby authorized to charge any additional fees, and credit any overpayments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Applicant submits that the application is now in condition for allowance, and favorable action to that end is respectfully requested.

Respectfully submitted,
Paul B. CORKUM, et al.

By: 
Curtis B. Behmann
Reg. No. 52,523
Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, ON K1P 1J9
CANADA
Tel: (613) 787-3596
Fax: (613) 787-3558
E-mail: cbehmann@blgcanada.com

ALK/CBB/plg